

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOEL SHANE HUDSON and ROSANNA JANE
HUDSON,

Plaintiffs,

v.

Civ. No. 24-456 GJF/SCY

UNITED STATES OF AMERICA, UNITED
STATES FOREST SERVICE (USFS), and
UNITED STATES DEPARTMENT OF
AGRICULTURE (USDA),

Defendants.

ORDER TO SHOW CAUSE

This matter is before the Court *sua sponte*. Federal Rule of Civil Procedure 4(m) provides in part:

If a defendant is not served within 90 days after the complaint is filed, the court - on motion or on its own after notice to the plaintiff - must dismiss the action without prejudice against that defendant or order that service be made within a specified time.

Plaintiffs filed the second amended complaint on June 25, 2024. Doc. 7. Since then, the record reflects that no summonses have been issued and no Defendants have been served.¹

Absent an extension of time to serve Defendants, Rule 4(m) requires the Court to dismiss the action without prejudice. Rather than choosing Rule 4(m)'s first option—dismissal without prejudice—the Court chooses to provide Plaintiffs the opportunity to avail themselves of Rule 4(m)'s second option—obtaining an extension of the service deadline. Thus, in order to avoid

¹ Although Plaintiffs are proceeding pro se, they are not proceeding *in forma pauperis*, and it is thus their responsibility to serve the complaint. *See* 28 U.S.C. § 1915(d) (providing that “officers of the court shall issue and serve all process” in cases where the plaintiff is proceeding *in forma pauperis*).

dismissal of this action, Plaintiffs must either effect service or provide the Court with a written explanation showing good cause why service has not been made and requesting an extension, on or before October 28, 2024.

IT IS THEREFORE ORDERED that, in order to avoid dismissal of this action, Plaintiffs must either effect service or provide the Court with a written explanation showing good cause why service has not been made and requesting an extension, on or before **October 28, 2024**.



Steven C. Yarbrough
United State Magistrate Judge